

Common Mistakes Environmental Service Providers Make in Environmental Review Records



Lacking Signatures



- Uploading revised draft ERR with NOI/FONSI and floodplain/wetland notice without signatures
 - Automatically results in an additional draft ERR and delays ERR certification unnecessarily
 - ESP's should wait until after comment periods have closed and signatures have been obtained before submitting

A white rectangular box containing the word "Signature" written in a cursive, handwritten style.

Lacking Appropriate “Effect” Call for Threatened or Endangered Species



- Acceptable effect calls are: “no effect”, “is not likely to adversely affect” and “is likely to adversely affect”
- “Will not impact” or “there is no suitable habitat” does not substitute for “no effect”
- If making “no effect” call, memo to the file should be included in the T&E species attachment
- Guidance on effect calls and the memo to the file are available on DashPort

Inclusion of Inappropriate or Unnecessary Mitigation Measures



- Standard contractor processes, such as BMP's, should not be included as mitigation measures, but instead incorporated into the Project Description Sheet
- Only requirements resulting from agency coordination, terms and conditions associated with permits, and abatement/ remediation requirements should be included
 - TCEQ dust mitigation may be included with contractor BMPs and not considered separate mitigation.
- Inclusion of unnecessary mitigation measures in a CE prevents it from converting down to Exempt

Missing Documents and Information



- Missing engineering project layout sheets
 - Full project specs do not need to be included, just basic information to give the reviewer an idea of what the project is
- Missing areas of disturbance
 - Square footage or Acreage
 - Project Description Sheet is the best location for this info
- Missing Field Notes/ Site Observation Form
 - Example provided on Dashport
- Missing HAZMAT database summary page with number of sites found within ASTM radii in the Explosives/Flammables and Contamination/Toxics attachments

Inaccurate or Incomplete Project Descriptions



- Should match performance statement
- Public notices need to include full description and project location
- Each form requiring project description needs to have the same, complete language



Insufficient Affidavits for Posted Public Notices



- Needs to include the entire period the notice was posted
 - Not just the date the notice was initially posted but the date the notice was removed

Floodplain/Wetland Public Notice



- **Template Usage Errors**

- Because the template is universal for floodplains and/or wetlands, the notice should address in the title and body of the notice, whether or not it is for floodplains and/or wetlands



Incorrectly Selected Compliance Column on Statutory Checklist



- Often, Column A is selected instead of Column B
 - If a project requires additional steps, such as an 8-step for floodplains and/or wetlands, Column B should be selected

Definitions: A: The project is in compliance.
B: The project requires an additional compliance step or action.

Statute, Authority, Executive Order Cited in cited at 24 CFR §58.5	A	B	COMPLIANCE FINDING	SOURCE DOCUMENTATION
1. 58.5(a) Historic Properties [36 CFR 800]				
2. 58.5(b)(1) Floodplain Management [24 CFR 55, Executive Order 11988]				
3. 58.35(b)(2) Wetland Protection [24 CFR 55, Executive Order 11990]				
4. 58.35(c) Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]				
5. 58.35(d) Sole Source Aquifers [40 CFR 149]				
6. 58.35(e) Endangered Species [50 CFR 402]				
7. 58.35(f) Wild and Scenic Rivers [36 CFR 297]				
8. 58.35(g) Air Quality [CFR parts 6, 51.93]				
9. 58.35(h) Farmland Protection [7 CFR 658]				
10. 58.35(i)(1) Noise Control and Abatement [24 CFR 51B]				
11. 58.35 (i) (1) Explosive and Flammable Operations [24 CFR 51C]				
12. 58.5(i)(1) Airport Hazards (Runway Clear Zones and Clear Zones/Accident Potential Zones) [24 CFR 51D]				
13. 58.5(i)(2)(i) Contamination and Toxic Substances [24 CFR 58.5(i)(2)]				
14. 58.5(j) Environmental Justice [Executive Order 12898]				

Thank You!

